

AN ORDINANCE BY

COUNCIL MEMBER Debi Starnes

AN ORDINANCE TO ABANDON THE FOLLOWING PORTION OF PROPERTY, BEING MORE SPECIFICALLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A" AND TO ACCEPT THE DEDICATION OF A RIGHT-OF-WAY DEED FOR PROPERTY TO BE USED FOR THE PURPOSE OF WIDENING FOWLER STREET, SAID PROPERTY LYING AND BEING IN LAND LOTS 79, 80, 107, 108 OF DISTRICT 17, FULTON COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, Madison Midtown, LLC (the "Applicant"), owner of the property abutting the surplus property (shown on Exhibit "A" with the exception of the land identified as "Area 2") including the property proposed to be exchanged for the widening of Fowler Street (shown on Exhibit "A" as "Area 1") and has filed a formal petition with the City of Atlanta (the "City") to exchange the above-referenced property; and

WHEREAS, this exchange request has been reviewed by the proper related agencies of the City, the Department of Watershed Management, the Department of Planning and the Department of Public Works; and

WHEREAS, the exchange request is made for property which is currently owned by the City and acquired for sewer related purposes and is no longer required because the sewer has been relocated to a preferable area ("Sewer Property"); and

WHEREAS, the Georgia Department of Transportation ("GDOT") proposes a project to construct a bridge on 15th street over U.S. Interstate 75/85 and is currently considering a project to widen the existing 14th street bridge over U.S. Interstate 75/85; and

WHEREAS, it is in the interest of the City to protect future potential right-of-way to widen Fowler Street, in connection with the 15th street bridge project and in connection with the proposed 14th street bridge widening, so as to provide additional means and methods to effectively coordinate and manage traffic in the area; and

WHEREAS, the right of way deed for the proposed widening of Fowler Street is shown as Exhibit "B"; and

WHEREAS, the Applicant has agreed to a dollar for dollar exchange its interest in the land proposed for the widening of Fowler Street for the City's interest in the Sewer Property; and

WHEREAS, this exchange would avoid the necessity of instituting purchase of land

proceedings to obtain the right of way and easements from Applicant; and

WHEREAS, the City is satisfied that the exchange of Applicant's right of way and easement interest for the City's interest in the Sewer Property represents a fair and equitable exchange.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the portions of the above-referenced property, whose legal descriptions are as shown on the attached Exhibit "A," is hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2: That the appraisal requirement of Section 138-9 is waived, and that no appraisal(s) shall be required in connection with Applicant's abandonment request.

SECTION 3: That the Mayor is hereby authorized to execute Deeds to Applicant conveying the City's interest in the portions of the above-described properties abandoned herein. Contemporaneous with the delivery of the Quitclaim Deeds, or as soon thereafter as is possible, Applicant will execute and deliver Deeds to the City conveying its interests in the land proposed for the Fowler Street widening shown in Exhibit B.

SECTION 4: The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment. Applicant agrees to indemnify and hold the City harmless for any act or omission to act on its part after the portions of streets described herein are abandoned.

SECTION 5: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

LEGAL DESCRIPTION AREA "1"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 112 OF THE 14TH DISTRICT OF CITY OF ATLANTA, FULTON COUNTY, GEORGIA, CONTAINING 4,295 SF - 0.10 ACRE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

POINT OF BEGINNING AT A POINT ON THE RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF FOWLER STREET (40 FOOT RIGHT-OF-WAY) AND 16TH STREET (50 FOOT RIGHT-OF-WAY) AT A SET ½" SET REBAR SAID POINT BEING 32.02 FEET FROM THE INTERSECTION OF THE CENTERLINES OF THESE TWO ROADS; THENCE CONTINUING EAST ALONG THE RIGHT OF WAY LINE OF 16TH STREET NORTH 89 DEGREES 51 MINUTES AND 48 SECONDS EAST A DISTANCE OF 11.67 FEET; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 00 DEGREES 08 MINUTES 34 SECONDS EAST A DISTANCE OF 360.99 FEET TO A POINT; THENCE SOUTH 89 DEGREES 49 MINUTES 48 SECONDS WEST A DISTANCE OF 12.13 FEET TO A POINT ON THE RIGHT-OF-WAY OF FOWLER STREET; THENCE CONTINUING NORTH ALONG THE RIGHT-OF-WAY OF FOWLER STREET NORTH 00 DEGREES 04 MINUTES 12 SECONDS WEST A DISTANCE OF 361.00 FEET A POINT, THE POINT OF BEGINNING.

LEGAL DESCRIPTION AREA "2"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 112 OF THE 14TH DISTRICT OF CITY OF ATLANTA, FULTON COUNTY, GEORGIA, CONTAINING 4,294 SF - 0.10 ACRE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF FOWLER STREET (40 FOOT RIGHT-OF-WAY) AND 16TH STREET (50 FOOT RIGHT-OF-WAY) AT A SET ½" SET REBAR SAID POINT BEING 32.02 FEET FROM THE INTERSECTION OF THE CENTERLINES OF THESE TWO ROADS; THENCE CONTINUING EAST ALONG THE RIGHT OF WAY LINE OF 16TH STREET NORTH 89 DEGREES 51 SECONDS AND 48 SECONDS EAST A DISTANCE OF 136.90 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG THE RIGHT-OF-WAY OF 16TH STREET NORTH 89 DEGREES 51 MINUTES 48 SECONDS EAST A DISTANCE OF 27.71 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY SOUTH 00 DEGREES 06 MINUTES 02 SECONDS EAST A DISTANCE OF 154.92 FEET TO A POINT; THENCE SOUTH 89 DEGREES 42 MINUTES 17 SECONDS WEST A DISTANCE OF 27.71 FEET TO A POINT; THENCE NORTH 00 DEGREES 06 MINUTES 02 SECONDS WEST A DISTANCE OF 155.00 FEET TO POINT ON THE RIGHT-OF-WAY OF 16TH STREET, THE POINT OF BEGINNING.

SIXTEENTH ST
(100' R/W)

N89°51'48"E
11.67'

N89°51'48"E
138.80'

N89°51'48"E
27.71'

AREA "1"
4,295 SF
0.10 ACRE

AREA "2"
4,294 SF
0.10 ACRE

FOWLER ST
(40' R/W)

N00°04'12"W 361.00'

S00°08'34"E 360.99'

20.00' FROM BC

EXISTING BUILDING

20.00' FROM BC

N00°06'02"W 155.00'

S00°06'02"E 154.92'

S89°42'17"W
27.71'

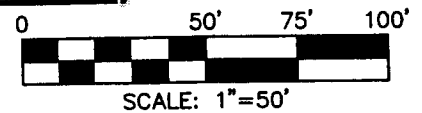
N89°42'17"E
38.81'

S00°08'17"E 38.81'

S89°49'48"W
12.13'

S89°48'48"W 173.80'

NORTH



PROPERTY SWAP EXHIBIT
BETWEEN THE CITY OF ATLANTA AND MADISON MIDTOWN LLC
SE CORNER OF FOWLER AND 16TH STREET
ATLANTA, GEORGIA
LANDLOT 112 - 14TH DISTRICT

11-15-04
EXHIBIT "A"

#5

05-0-0045

(Do Not Write Above This Line)

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- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred 1/3/05
Referred To: City Utilities
Date Referred
Referred To:
Date Referred
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
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Other _____
Members _____
Refer To _____

Committee _____
Date _____
Chair _____
Action Fav, Adv, Hold (see rev. side)
Other _____
Members _____
Refer To _____

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION